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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/602,777 | 06/25/2003 | Scott A. Moskowitz | 80391.0003 | 2233 |

7590 11/19/2008
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| EXAMINER |
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OKEKE, IZUNNA

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| ART UNIT | PAPER NUMBER |
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2432

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11/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/602,777 | Applicant(s) MOSKOWITZ, SCOTT A. | |
| | Examiner IZUNNA OKEKE | Art Unit 2432 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,9,11-14,18,20,21 and 30 is/are rejected.
- 7) ☒ Claim(s) 8,10,15-17,19 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/22/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 6-21 and 30-31 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

2. Claims 8, 10, 15-17, 19 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6, 7, 9, 11-14, 18, 20, 21 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Nadan (US-5142576).

a. *Referring to claim 6:*

Regarding claim 6, Nadan teaches a method for protecting a digital signal, comprising the steps of:

providing a digital signal comprising digital data and file format information defining how the digital signal is encoded (Col 1, Line 46-67 and Col 2, Line 1-26 teaches a digital signal

comprising and format information defining the encoding of the signal);

creating a predetermined key to manipulate the digital signal (See Fig 6 and Col 4, Line 40-50

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teach a page key PK to manipulate the digital signal); and
manipulating the digital signal using the predetermined key to generate at least one permutation of the digital signal parameterized by the file format information defining how the digital signal is encoded (Col 4, Line 40-62 teaches reconfiguring the signal using the page key).

a. Referring to claim 7:

Regarding claim 7, Nadan teaches the method of claim 6, wherein the digital signal represents a continuous analog waveform (Col 2, Line 64-68 and Col 3, Line 1-17).

a. Referring to claim 9:

Regarding claim 9, Nadan teaches the method of claim 6, wherein the digital signal is a message to be authenticated (Col 5, Line 4-22 teaches the signal as a message to be authenticated by the Page Key).

a. Referring to claim 11:

Regarding claim 11, Nadan teaches the method of claim 6, further comprising the step of: using a digital watermarking technique to encode information that identifies ownership, use, or other information about the digital signal, into the digital signal (Col 4, Line 28-47 teaches encoding client information and update information into the signal)

a. Referring to claim 12:

Regarding claim 12, Nadan teaches the method of claim 6, wherein the digital signal represents a still image, audio or video (Col 4, Line 28-47 teaches a video signal).

a. Referring to claim 13:

Regarding claim 13, Nadan teaches the method of claim 6, wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the

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method further comprising the step of:

validating the one or more mask sets before manipulating the file format information using the predetermined key (Col 5, Line 7-22 teaches comparing and validating the Page Key before manipulating the format update information).

a. Referring to claim 14:

Regarding claim 14, Nadan teaches the method of claim 6, wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the step of:

validating the one or more mask sets after manipulating the file format information using the predetermined key (Col 5, Line 7-22 teaches comparing and validating the Page Key after manipulating the format update information).

a. Referring to claim 18:

Regarding claim 18, Nadan teaches the method of claim 13, further comprising the step of:

using a digital watermarking technique to embed information that identifies ownership, use, or other information about the digital signal, into the digital signal; and wherein said step of validating is dependent on validation of the embedded information (See the rejection in claim 13 and Col 4, Line 60-62 teaches validating the update information).

a. Referring to claim 20:

Regarding claim 20, Nadan teaches a method for protecting a digital signal, comprising the steps of:

providing a digital signal comprising digital data and file format information describing how the

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digital signal is encoded (See the rejection in claim 6);
creating a predetermined key comprising a mask set (See the rejection in claim 6);
manipulating the digital signal using the predetermined key wherein the manipulation is
parameterized by the file format information describing how the digital signal is encoded;
authenticating the predetermined key during playback of the digital data; and metering the
playback of the digital data to monitor content . (See the rejection in claim 6)

a. Referring to claim 21:

Regarding claim 21, Nadan teaches the method of claim 20, wherein the predetermined
key is authenticated to authenticate message information (Col 5, Line 11-22 teaches
authenticating the page key to authenticate the page information).

a. Referring to claim 30:

Regarding claim 30, Nadan teaches a method for protecting digital data, where the digital
data is organized into a plurality of frames, each frame having i) a header comprising file format
information and ii) at least a portion of the digital data, said method comprising the steps of (Col
2, Line 64-68 and Col 3, Line 1-18 teaches portions of video signals which comprises frames and
headers as known in the art):

creating a predetermined key to manipulate the file format information in one or more of the
plurality of frames wherein the file format information defines how the digital data is encoded
(See the rejection in claim 6); and

manipulating the file format information using the predetermined key in at least two of the
plurality of frames wherein the file format information defines how the digital data is encoded,
such that the digital data will be perceived by a human as noticeably altered if it is played

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without using a decode key to restore the file format information to a prior state (See the rejection in claim 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O./

Examiner, Art Unit 2432

/Benjamin E Lanier/

Primary Examiner, Art Unit 2432